

Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

HUONG HOANG, an individual,

Plaintiff,

vs.

AMAZON.COM, INC., a Delaware
corporation, and IMDB.COM, INC., a
Delaware corporation,

Defendants.

NO. 11-cv-01709-MJP

**DECLARATION OF KEITH
SCULLY IN SUPPORT OF
PLAINTIFF'S MOTION FOR
LIMITED RELIEF FROM
DEADLINES**

NOTE ON MOTION CALENDAR:

September 28, 2012

I, Keith Scully, do declare and attest as follows:

1. I am over the age of eighteen (18) years of age, counsel of record for Plaintiff Huong Hoang, and competent to testify to the matters stated herein.

2. Attached as Exhibit A is a true a correct copy of transcript excerpts from the deposition of IMDb's 30(b)(6) representative, Giancarlo Cairella, taken on August 2, 2012.

3. IMDb is the Internet Movie Database, a collection of information about films, actors, and other people who work in the film industry.

4. John Dozier was a Virginia-licensed attorney that Hoang retained in 2011 to file this lawsuit against IMDb and IMDb's parent company, Amazon. In October 2011,

1 Dozier engaged Newman Du Wors as his local counsel. This Court admitted Dozier to
2 this case pro hac vice four days after the two firms jointly filed the complaint on October
3 13, 2011. From October 17, 2011 until Dozier's death on August 6, 2012, Dozier was the
4 lead attorney on the case and did not consult with his local counsel. He and his firm filed
5 and argued all motions, conducted all depositions and other discovery, and exclusively
6 managed the case.

7 5. Dozier died on August 6, 2012, and was seriously ill before then. Among
8 other critical ailments, in the last 18 months before his death Dozier underwent open
9 heart surgery, brain surgery, and daily dialysis.

10 6. Dozier did identify Duncan Crabtree-Ireland of the Screen Actors Guild
11 (SAG), who could testify to SAG's efforts to get IMDb to take down the actual age of
12 performers and the impact of age disclosure on SAG's members. Dozier also disclosed no
13 experts, instead relying on Hoang and Hoang's casting agent to testify to the impact
14 disclosing an actress's age has on her career. Dozier also relied solely on Hoang, and not
15 a damages expert, to testify about the financial impact of IMDb's misdeeds.

16 7. In addition, Dozier failed to further investigate after IMDb's Fed. R. Civ. P.
17 30(b)(6) witness testified that he could not recall information material to the case during a
18 deposition.

19 8. Hoang has identified an industry expert, director Gil Junger, to testify to
20 IMDb's wide use by casting professionals, and to testify that disclosing actual age can
21 harm an actress's career. Mr. Junger is an experienced Hollywood professional who has
22 cast tens of major movie, television, and other productions. He is familiar with casting
23 industry practices, and can testify, based on his own experience and his knowledge of the
24 industry, that actual age is a key and often determinative factor in making casting
25 decisions and is frequently obtained from IMDb.

26 9. Hoang further seeks to retract her stipulation to exclude Duncan Crabtree-
27 Ireland, SAG's chief administrative officer and general counsel. SAG represents acting
28 industry professionals, and has lobbied IMDb to stop displaying dates of birth on IMDb's


1 website. Crabtree-Ireland is familiar with the acting industry from the actors' side, and
2 can testify to the importance of IMDb to the acting industry, the need to keep actual age
3 private, and to SAG's efforts to get IMDb to stop publicly displaying screen
4 professional's ages.

5 10. Hoang has also identified a damages expert, who can testify about her
6 projected earnings with and without IMDb's disclosure of her age. Nicole Liska is an
7 economist who specializes in applied microeconomic theory and econometric and
8 statistical modeling. She has experience valuing future earnings in the entertainment
9 industry, and has been qualified as an expert on previous occasions.

10 11. Hoang seeks leave to propound limited interrogatories and requests for
11 production related to IMDb's failure to fully respond to deposition questions. Attachment
12 B and C are Hoang's proposed requests for production and interrogatories.

13 I certify and declare under the penalty of perjury under the laws of the United
14 States that to my knowledge the foregoing is true and correct.

15
16 Dated this 20th day of September, 2012 at Seattle, Washington.

17
18 
19 Keith Scully